

Committee Room,
Austin, Texas, February 28, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 214, A bill to be entitled "An Act to provide for the publication of the Appellate Court Reports, and providing for an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 27, 1907.
Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 26, A bill to be entitled "An Act to repeal Chapter 12 of the General Laws of Texas, passed by the Twenty-seventh Legislature, page 12, Laws of 1901, and to pass in lieu thereof this act; to create a board of medical examiners for the examination and licensing of all physicians, surgeons and obstetricians; to prescribe their qualifications; to provide for their proper registration, the revocation of their licenses for flagrant offenses, and to fix suitable penalties for illegal practice."

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

THIRTY-NINTH DAY.

Senate Chamber,
Austin, Texas,
Friday, March 1, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harper.
Holsey.

Stokes.

Prayer by Rev. H. M. Sears, Chaplain of the Senate.

Pending the reading of the Journal of yesterday, on motion of Senator Kellie, the same was dispensed with.

(See Appendix for committee reports, petitions and memorials.)

SENATE JOINT RESOLUTION NO. 14--RECOMMITTED.

Under the head of reports of standing committees, Senator Smith moved that Senate Joint Resolution No. 14 be re-committed to the Committee on Constitutional Amendments, with the request that the resolution be promptly reported.

The motion was adopted, and the resolution was so recommitted.

BILLS AND RESOLUTIONS.

By Senator Chambers:

Senate bill No. 226, A bill to be entitled "An Act to amend 'An Act imposing an annual occupation tax upon each office or place kept and maintained by express companies in this State, at which intoxicating liquors legally deliverable are delivered upon payment of purchase money therefor; providing a penalty for failure to pay such tax; and declaring an emergency,' passed and enacted at the present session of the Thirtieth Legislature of the State of Texas, and approved the 12th day of February, 1907, so as to add thereto Section 2a, relieving such companies from keeping, operating or maintaining offices at which intoxicating liquors are deliverable upon the payment of the purchase price therefor, and further relieving such companies from any obligation to receive, transport or deliver any intoxicating liquors to be paid for on delivery."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Willacy:

Senate bill No. 227, A bill to be entitled "An Act to provide for the publication of the Appellate Court Reports."

Read first time, and referred to Finance Committee.

By Senator Kellie:

Senate bill No. 228, A bill to be entitled "An Act to amend Section 54, Chapter 104, of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, entitled 'An Act

to define and provide for organizing and disciplining the militia; to prescribe the duties of the Governor, the Adjutant General and all officers and enlisted men thereof; to define military offenses; to provide for the trial and punishment thereof; providing for the pay, transportation and subsistence of the militia when called into actual service, and to repeal all laws in conflict therewith, so as to limit the amount of real and personal property that shall be owned and conveyed by militia companies to \$200,000, and to repeal Article 3426, Revised Civil Statutes of Texas, relating to the amount of property that may be owned by militia companies."

Read first time, and referred to Committee on Military Affairs.

By Senator Terrell:

Senate bill No. 229, A bill to be entitled "An Act to amend Title XVII, Chapter 17, of the Penal Code of the State of Texas, by adding thereto Article 950a, which article prohibits persons owning personal property upon which there is a landlord's lien from transporting same out of the State or disposing of same with intent to defraud the holders of the lien, and providing a penalty therefor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Glasscock:

Senate bill No. 230, A bill to be entitled "An Act to create a more efficient road system for Burnet county, Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Cunningham, Barrett, and Chambers:

Senate bill No. 231, A bill to be entitled "An Act to prevent by means of a writ of injunction at the suit of the State, or any citizen thereof, the unlawful selling or otherwise disposing of intoxicating liquors in local option territories, and to make such unlawful sale and disposal thereof in such territories, nuisances, per se."

Read first time, and referred to Judiciary Committee No. 1.

By Senators Looney, Skinner and Willacy:

Senate Joint Resolution No. 21, Proposing an amendment to Section 10, Article 8, of the Constitution of the State of Texas, relating to taxation.

Read first time, and referred to Committee on Constitutional Amendments.

SIMPLE RESOLUTION.

By Senator Willacy:

Whereas, The paintings, "Dawn at the Alamo" and "The Battle of San Jacinto," now the property of Prof. H. A. McArdle, their author, are ornamental to and in the possession, by resolution, of the Senate of Texas; and

Whereas, Said historical works are of great value to the State of Texas, and to those who are to occupy these halls in the future; and

Whereas, The said H. A. McArdle is anxious to sell said paintings; therefore, be it

Resolved by the Senate, That a committee of three be appointed by the President of the Senate to confer with the owner of said works of art, to the end that the Senate may ascertain at what price same could be purchased out of the contingent fund of the Senate, so that the same may for all time adorn the walls of the Senate Chamber, and that said committee report at their earliest convenience to this Senate the price at which these paintings can be purchased; and, be it further

Resolved by the Senate, that Judge Norman G. Kittrell, as a friend of Prof. H. A. McArdle, be extended the privilege of the floor of the Senate on the evening of March 6, 1907, at 8 o'clock; provided, the Senate is not in session, for the purpose of addressing the Senate upon the history surrounding the events perpetuated by these paintings and the historic value of the same.

The resolution was read and laid on the table subject to call.

Morning call concluded.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

Senate bill No. 117, A bill to be entitled "An Act declaring theaters, play houses, opera houses and other show buildings by whatever name known, to be public places of amusement, to prevent the owners, lessees, managers and agents thereof from discriminating against persons, stock companies, corporations or others applying to lease or rent such public places of amusement for productions and renditions of dramas, operas and other shows by whatever name known: to provide for the keeping and exhibiting and booking

of all leasings and lettings of such houses; to require certain stipulations in all subsequent leases and renewals for a term; providing penalties for violation of the provisions of this act, and declaring an emergency."

Senate bill No. 36, A bill to be entitled "An Act to amend Article 3049, of Chapter 2, Title LVIII, Revised Civil Statutes of the State of Texas, relating to insurance, and prescribing a penalty for failure to comply with same," with amendments.

Concurrent Resolution No. 16, Relating to polygamy and requesting the States to join in a petition for an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House Concurrent Resolutions:

House Concurrent Resolution No. 8, read and referred to Committee on State Affairs.

House Concurrent Resolution No. 16, read and referred to Judiciary Committee No. 2.

MESSAGE FROM THE GOVERNOR.

Executive Office, State of Texas.
Austin, Texas, February 28, 1907.
To the Senate:

Complying with your request contained in Senate Concurrent Resolution No. 4, I have the honor to return you herewith Senate bill No. 165.

T. M. CAMPBELL,
Governor.

FREE CONFERENCE COMMITTEE REPORT.

Committee Room,
Austin, Texas, February 28, 1907.
Hon. A. B. Davidson, President of the Senate, and Hon. Thos. B. Love, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences between the two houses on

Senate bill No. 19, A bill to be entitled "An Act providing additional procedure by which testimony may be taken in suits brought by the Attorney General, or under his direction to en-

force the laws of this State against trusts, monopolies and conspiracies against trade or suits to enforce laws regulating and controlling corporations; providing for the appointment of a special commissioner to take testimony within or without the State, and providing that judgment by default shall be rendered against any defendant in such action who fails to comply with the provisions of this act."

Have had the same under consideration, and have agreed upon said bill amended so as to read as follows:

LOONEY,
CUNNINGHAM,
WATSON,
GREEN,
SKINNER,

On part of the Senate.

JENKINS,
CAMP,
DUNCAN,
CARSWELL,
HAMILTON,

On part of the House.

S. B. No. 19.

By Committee.

A BILL

To Be Entitled

An Act providing additional procedure by which evidence may be taken in suits brought by the Attorney General or by the district or county attorney acting under his direction, to enforce the laws of this State against trusts, monopolies and conspiracies in restraint of trade, or suits to enforce laws regulating and controlling corporations; providing for taking evidence within or without the State, and for the appointment of special commissioner and prescribing his powers and duties; providing for the attendance of witnesses and the production of books, papers and documents of corporations, joint stock associations, copartnerships or individuals before the court, or special commissioner, within or without this State; prescribing duties of such corporations, joint stock associations, copartnerships or individuals in such cases; providing for issuance of notices of time and place of taking evidence and manner of service; providing that judgment by default shall be rendered against any defendant in such actions who fails to comply with the provisions of this act; providing that this act shall be cumulative of other laws of this State; providing immunity, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Whenever any suit shall be instituted or is pending in any court of competent jurisdiction in this State, by the Attorney General, or by any district or county attorney acting under his direction, against any corporation, or corporations, individual or individuals or association of individuals, or joint stock associations, or copartnerships, under any law of this State, against trusts, monopolies or conspiracies in restraint of trade, or under any laws of this State regulating or controlling corporations, domestic or foreign, the Attorney General, district or county attorney, as the case may be, may, in addition to the means now provided by law, examine and procure the testimony or evidence of witnesses and have books, papers and documents produced as evidence, in the manner herein provided.

Sec. 2. Whenever any action is commenced or is pending, as contemplated in Section 1 of this act, by the Attorney General, or by any district or county attorney, acting under his direction, and said officer representing the State, either upon the trial of the case or in preparation for the trial thereof, desires to take the testimony of any officer, director, agent or employe of any foreign or domestic corporation, or joint stock association proceeded against, or in case of any copartnership, any member thereof, or in case of any individual or individuals, either of them, and the person or persons whose testimony is desired resides either within or without the State of Texas, the said officer shall file in said court where the action is brought, either in term time or in vacation, or with any special commissioner, who may be appointed by the court to take testimony, as provided for in this act, a statement in writing setting forth the name or names and residence of the person or persons whose testimony he desires to take, and in a general way shall designate any books, papers or documents he desires produced, and the time when, and place where, either within or without this State, he desires such person to appear and testify, or to produce books, papers and documents, if any are desired; and thereupon the judge of said court or the commissioner, as the case may be, before whom said testimony is being or shall be taken, shall immediately issue a notice in writing directed to the attorney or attorneys of record, in said cause, or the agent, officer or employe of any corporation or joint stock association, or directed to

the attorney or attorneys of record of any copartnership, individual or individuals, or to any member of any such copartnership, or to any individual or individuals who are defendant or defendants in said action, notifying said attorney or attorneys of record, or officer, agent or employe, aforesaid, or member or members of any copartnership, or individual, as herein provided, that the testimony of the person or persons named in said notice is desired, and requiring said attorneys of record, or such officer, agent or employe, aforesaid, or member of such copartnership, or any individual to whom said notice is delivered, or upon whom the same is served, to notify and have said witness or witnesses whose testimony or evidence it is desired to take, at the place named in such notice, at the time fixed therein, before the court, or special commissioner named, then and there to testify, and then and there to have and produce such books, papers and documents as are called for, and for any of the purposes herein provided; provided, that if the taking of such evidence be not concluded on the day and date specified in said notice, the court, or the commissioner, as the case may be, may continue the taking of same from day to day, or adjourn from day to day, at the same place, until the taking of such evidence has been concluded.

Sec. 3. Whenever any officer, director, agent or employe of any foreign or domestic corporation or joint stock association authorized to do business in this State, or any member of any copartnership, or any individual, against whom suit has been filed, or is pending, as provided for in this act, or the attorney or attorneys of record of any such corporation, joint stock association, copartnership or individual shall be notified in accordance with the provisions of this act, that any of the books, papers or documents belonging to such corporation, joint stock association, copartnership or individual are wanted before the court or special commissioner as provided in this act, it shall be the duty of such defendant corporation, joint stock association, copartnership or individual, as the case may be, to produce and present, or cause to be produced and presented, as required in said notice, all such books, papers and documents belonging to any such defendant, or under such defendant's control, as may be specified in said notice, in court or before said special commissioner, at the time and place so specified, and in the event of the failure or refusal of

any such corporation, joint stock association, copartnership or individual, to comply with any of the provisions of this section, it shall be the duty of the court, upon the motion of the officer representing the State, to strike out all the pleadings, answers, motions, reply or demurrer theretofore or thereafter filed in such case by such defendant, corporation, joint stock association, copartnership or individual, as the case may be, and render judgment by default against any such defendant.

Sec. 4. Whenever any attorney or attorneys of record, or any agent, officer or employe of any corporation or joint stock association proceeded against as herein provided, shall be notified that any officer, director, agent or employe of any such corporation, or joint stock association, is wanted before said court, or any special commissioner, as provided herein, to give his testimony or to produce any such books, papers or documents of said corporation, or joint stock association, as the case may be, or if any attorney or attorneys of record of any copartnership or individual shall be notified that any member or members of said copartnership, or any individual who are defendants in any such action, are desired as witnesses, or to produce books, papers or documents before any court or before any special commissioner appointed to take testimony in said proceeding, as herein provided, it shall be the duty of such attorney or attorneys of record, or any such officer, director, agent or employe, to immediately notify such person of the time and place where he shall attend and give his testimony, or produce any such books, papers or documents, if any are desired; and if the person or persons whose testimony is desired, as herein provided, shall fail to appear, or, appearing, shall refuse to testify, or shall fail to produce whatever books, papers or documents he or they may be ordered to produce, as before provided, then it shall be the duty of the court, upon motion of the Attorney General, district or county attorney, as the case may be, on proof of such refusal, failure or dereliction, to strike out the answer, motion, reply, demurrer or other pleading theretofore or thereafter filed in such action by said delinquent defendant who has himself, or being a corporation or joint stock association, whose officer, agent, director or employe, as herein provided, has refused or failed to attend and testify, or to produce all books, papers or documents demanded, which were in the custody, or subject to the control of such witness

or witnesses, or corporation, or joint stock association, and said court shall, in the event of any such refusal or failure, proceed to render judgment by default against any such defendant; provided, however, that if any such defendant shall file a sworn denial, in writing, in said court, setting forth that such failure or refusal did not arise by reason of any fault or procurement of defendant, the court shall hear evidence upon that issue, and if the defendant shows to the satisfaction of the court that any witness who failed to attend did not do so at the instance or procurement of said defendant, or that the books, papers or documents demanded were not in its possession or control, and could not be produced, and that such defendant had complied with all the provisions of this Act within such defendant's power to perform, then, in that event, the answer, motion, reply, demurrer or other pleadings shall not be stricken out or judgment by default taken because of the failure of the witness to attend who could not be so procured, or because of the failure to produce the books, papers or documents not in the possession or under the control of such defendant; but the court shall have the power to enter such further orders in respect to the matter in controversy as it may deem necessary for the proper administration of justice; provided further, that in any proceeding had before a special commissioner as herein provided, the certificate of the special commissioner showing the failure or refusal of any such witness or witnesses to appear and testify, or to produce any books, papers or documents desired, shall be sufficient prima facie evidence of such failure, refusal or dereliction on the part of any such defendant, when same is filed in court. Any witness attending any proceeding herein provided for in compliance with any notice or subpoena issued by authority of this act, shall receive as compensation one dollar per day for each day of his attendance, and four cents per mile traveled, computed upon the shortest practicable route; any claim for fees and mileage shall be filed with the court or special commissioner and sworn to by said witness, and shall be taxed up as costs and collected as other costs in civil cases.

Sec. 5. The court or presiding judge thereof, in which any proceeding as herein provided is pending, in term time or in vacation, upon application therefor, made by the Attorney General, or district or county attorney, acting under his direction, shall appoint some well qualified disinterested person as special commissioner to take testimony in any

such case, at any point, either within or without this State, as designated in such application, or where requested by either party to such cause of action upon the issues joined in said cause, such special commissioner shall have full power and authority to issue notices provided for in Section 2 of this act, and to issue subpoenas for witnesses, compelling the attendance of such witnesses, the production of books, papers or documents; to issue attachments, to punish for contempt to the same extent as provided by law for said court; to administer oaths to witnesses; to have all witnesses examined orally, which testimony shall be reduced to writing, and may be taken down by a competent stenographer and transcribed, and shall be signed and sworn to by said witness. The person appointed special commissioner in any case shall qualify by taking the oath prescribed by the Constitution of this State for officers, and shall, with all convenient speed, certify and return the testimony taken by him to the court appointing him; and said commissioner shall note all objections to testimony, and shall not exclude any testimony, and all questions as to the materiality or admissibility of same shall be reserved for the court trying the case, and such testimony so taken may be read in evidence upon the trial of the suit in which same was taken, subject to any legal objections which might be made to same. The compensation of such commissioner shall be his actual expenses in traveling and such fees as are allowed a notary public in taking depositions, to be taxed up as costs and collected in the same manner as now provided by law for district clerks in civil cases.

Sec. 6. When any notice is issued and served, as provided for in this act, ten full days, exclusive of the day of service, shall elapse before any witness so requested shall be compelled to appear and testify, or produce any books, papers or documents called for, and if the taking of testimony shall not be concluded on the date named in said notice, the witness or witnesses shall remain in attendance from day to day until same is completed or said witness is finally discharged by the court or commissioner, as the case may be; service of said notice and the return thereon, may be made by any sheriff or constable of this State, or by any disinterested person competent to make oath of the fact, and shall be made by said person executing the same, by delivering to the person or persons, attorney or attorneys to be served, a true copy of such notice; and return

of such service shall be endorsed on or attached to the original notice; it shall state when the same was served and the manner of service and upon whom served, and shall be signed, and if served by any person other than an officer, shall be sworn to by the party making the service before some officer authorized by law to take affidavits, and such affidavit shall be certified under the hand and official seal of such officer.

Sec. 7. Any witness for the State, who shall testify or produce any books, papers or documents in any proceeding, or examination under the provisions of this act shall not be subject to indictment or prosecution for any transaction, matter or thing, concerning which he truthfully testifies or produces evidence, documentary or otherwise.

Sec. 8. The provisions of this act shall be cumulative of all laws of this State, and shall not be construed as repealing any other law relating to the taking of testimony or evidence, but shall be construed as providing an additional means of securing evidence for the enforcement of the laws, as herein provided.

Sec. 9. The inadequacy of the laws of this State to enable the Attorney General or the district and county attorney acting under his direction, to procure testimony in support of, and prosecutions of suits brought by the State to enforce the law against trusts, monopolies and conspiracies in restraint of trade and the corporation laws, creates an emergency and imperative public necessity, demanding the suspension of the constitutional rule requiring bills to be read on three several days, and same is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

HOUSE BILL NO. 80—RECOM- MITTED.

Senator Alexander moved that House bill No. 80, which had been referred to Committee on Labor, be re-referred to Judiciary Committee No. 2. (See committee report on same in Appendix.)

The motion was adopted.

HOUSE BILL NO. 10.

The Chair laid before the Senate, on second reading and pending business.

House bill No. 10, A bill to be entitled "An Act to amend Article 359, Chapter 4 of Title X of the Penal Code of the State of Texas, defining what constitutes a disorderly house so as to include any house in which intoxicating liquors are sold in any county, justice's

precinct, school district, city or town or subdivisions of any county in which the sale of intoxicating liquors is prohibited by law."

The question being on the amendment by Senator Chambers. (See page 397 for amendment.)

Senator Looney moved to table the amendment, and

Senator Chambers raised the point of order that the motion to table the amendment was made and lost on yesterday, and that the same could not be made until the substitute had been voted on.

The Chair stated that there was nothing pending save the amendment, and overruled the point of order.

The motion to table was adopted by the following vote:

Yeas—15.

Cunningham.	Looney.
Faust.	Masterson.
Glasscock.	Meachum.
Green.	Senter.
Greer.	Skinner.
Griggs.	Terrell.
Grinnan.	Willacy.
Kellie.	

Nays—11.

Alexander.	Murray.
Barrett.	Paulus.
Brachfield.	Smith.
Chambers.	Stone.
Harbison.	Watson.
Hudspeth.	

Absent.

Harper.	Stokes.
Holsey.	Veale.
Mayfield.	

Senator Looney offered the following amendment:

Amend the bill by adding to the caption the following: "And providing suitable fines and imprisonment for the violation of this act."

Senator Looney then moved the previous question on the amendment and the bill, which motion, being duly seconded, was so ordered.

The amendment by Senator Looney was adopted.

Bill read second time, and passed to third reading.

On motion of Senator Looney, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Watson.
Hudspeth.	Willacy.

Absent.

Harper.	Stokes.
Holsey.	Veale.
Mayfield.	

The bill was read third time and passed by the following vote:

Yeas—24.

Alexander.	Hudspeth.
Barrett.	Kellie.
Brachfield.	Looney.
Chambers.	Masterson.
Cunningham.	Meachum.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Terrell.
Grinnan.	Watson.
Harbison.	Willacy.

Nays—2.

Murray.	Stone.
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Absent.

Harper.	Stokes.
Holsey.	Veale.
Mayfield.	

Senator Looney moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 58.

Senator Terrell called for Senate bill No. 58, which was laid on the table subject to call, and

The Chair laid before the Senate, on second reading,

Senate bill No. 58, A bill to be entitled "An Act to amend Article 21 of Title IV of the Revised Civil Statutes of Texas, and to create the Sixth Supreme Judicial District of Texas, and provide for the organization of a Court of Civil

Appeals within and for the Sixth Supreme Judicial District of Texas."

There being a majority and minority committee report on the bill (see pages 221 and 222 for committee report), and

Senator Terrell moved the adoption of the majority committee report, and

Senator Stone moved, as a substitute, the adoption of the minority committee report.

AMENDMENT TO THE RULES.

Senator Skinner here called up, as privileged matter, the following amendment to the Rules, notice of the introduction having been previously given, and moved the adoption of the following amendment to Division 2a, Section 11, of the Rules of the Senate:

"And it shall require four-fifths of the Senators present to suspend this Rule."

The amendment was read and adopted.

SENATE BILL NO. 58.

Action recurred on Senate bill No. 58, the question being on Senator Stone's substitute to adopt the minority committee report.

(Senator Willacy in the chair.)

SENATE BILL NO. 8—CONFERENCE COMMITTEE ON.

Senator Looney called up, as a privileged matter,

Senate bill No. 8, the Anti-Free Pass bill, and moved that the Senate do not concur in the following House amendments, and asked for a conference committee.

Senator Hudspeth moved as a substitute motion, that the Senate do concur in the House amendments to the bill.

HOUSE AMENDMENTS TO SENATE BILL NO. 8.

Amend by striking out all after the enacting clause and insert in lieu thereof the following:

Section 1. That if any steam or electric railway company, street railway company, chartered transportation company, express company, sleeping car company, telegraph or telephone company, or person or association of persons operating the same, or the receiver or lessee thereof, or any officer, agent or employee of such companies in this State shall knowingly haul or carry any person or property free of charge, or give or grant to any person, firm or corporation or association of persons, a free pass, a frank, a privilege or a sub-

stitute for pay or a subterfuge which is used or which is given to be used instead of the regular fare or rate for transportation or any authority or permit whatsoever to travel or to pass, or convey or transport any person or property free, or sell any transportation for anything except money, or for any less rate than is charged to all persons under the same conditions (except ministers of the gospel) over any railway or other transportation line, or any part of lines in this State; or shall knowingly permit any person to transmit any message free in this State, or shall give any frank or right of privilege to transmit messages in this State or property free of charge, or for less fare or rate than is charged other persons in this State for similar service; except such persons as are hereinafter exempted under the provisions of this act, shall pay to the State of Texas upon conviction in any action brought on this account and for that purpose, the sum of \$5000 for each and every act; and any person, president, director, officer, employe or agent of any such corporation or association of persons, who shall sell any transportation for anything except money, or knowingly give, grant, issue or cause to be issued, a free pass, a frank, a privilege, or any substitute for or in lieu thereof, for any transportation of any person, article or thing, or for the sending or transmitting any messages over wire or other means of transmitting messages in this State, except to such persons as are hereinafter exempted from the provisions of this act, shall be deemed guilty of a felony under the laws of this State, and upon conviction for such act shall be punished by a fine of not less than \$500 nor more than \$2000, and may in addition thereto, in the discretion of the jury, be imprisoned in the penitentiary for a term of not less than six months nor more than two years.

Sec. 2. That the provisions of Section 1 of this act shall not be held to prohibit such companies, the receivers or lessees thereof, or the officers, agents or employes thereof from granting free passes, franks, privileges, substitute for pay or other things therein prohibited to the following persons: (1) The actual bona fide employes of such companies and the dependent members of their immediate families. The term employes shall be construed to embrace all persons actually employed in the service of such companies, including its officers, agents, physicians, surgeons and attorneys who are regularly employed to ap-

pear for it in the court for fees or on salaries; and persons actually employed on sleeping cars, express cars, news agents employed on trains, railway mail service employes, postoffice inspectors, chairman and committees of grievances of employes, bona fide custom and immigration inspectors employed by the government, State health officers, proprietors and agents of eating houses under contract with such companies for furnishing meals and other persons doing any repair or construction work therefor, and trip passes may be granted to bona fide employes in good standing in any railway employes' order, who may be in good faith hunting employment, and to persons in charge of shipments of live stock and fruits. (2) Trip passes to indigent persons and those engaged in works of charity, which shall be held to include any of the following: Inmates of hospitals, sisters of charity, charitable and eleemosynary institutions, indigent destitutes and homeless persons when requested by charitable societies, or hospital inmates of the National or State homes for disabled soldiers or sailors, including those about to enter, and those returning home after discharge; persons injured in wrecks; physicians and nurses attending such persons; persons' property and messages carried or transmitted in case of general epidemics, pestilence or other calamitous visitations; provided, that reduced rates of one-half the regular fare may be given to the ministers of the gospel. (3) The State rangers and sheriffs; provided, that if any railroad company shall grant to any sheriff a free pass over its line of railroad, then it shall issue like free transportation to each and every sheriff in this State who may make to it written application therefor; and provided further, that all sheriffs using such free passes shall deduct the money value of such free transportation, at the legal rate per mile, from all mileage accounts against the State and litigants earned by them in executing process when such pass was used or could have been used.

Sec. 3. If any person not specially excepted under Section 2 of this act shall accept a free pass, a frank, a privilege, or any subterfuge for or in lieu of the full and regular fare or rate for transportation on any person, article or thing, or for sending or transmitting any message over wire or other means of transmitting messages in this State, he shall be deemed guilty of an offense, and upon conviction therefor be punished by confinement in the county jail for not less than thirty days and not

more than twelve months, and shall be fined not less than \$100 and not more than \$1000.

Sec. 4. If any person shall present, or offer to use in his own behalf any permit whatsoever to travel, pass or to convey any person or property which has been issued to any other person or shall, knowing that he is not entitled under the provisions of this act, apply to any railway, express, telegraph or telephone company, officer, agent, lessee or receiver thereof for any free pass, frank, privilege or a substitute for pay given or to be used instead of the regular fare or rate for transportation, he shall be deemed guilty of an offense and upon conviction shall be punished by confinement in the county jail for not less than thirty days and not more than twelve months and by a fine of not less than \$100 and not more than \$1000.

Sec. 5. It shall be the duty of each and every company mentioned in Section 1 of this act, their receivers, lessees or assigns, to report semi-annually on the first day of January and the first day of July of each year hereafter to the Railroad Commission of the State of Texas, showing the date of the giving, on what account issued, given or granted, together with the name and residence of the person or persons to whom free passes, frank privileges, rights to transport property, substitute for pay of the regular fare or rate for transporting persons or property and right to transmit messages by wire, or other means of transmitting messages free of charge have been given to be used for any distance or for any purpose within this State; and provided further, that any company mentioned in Section 1 of this act which shall fail or refuse to make the report required in this section and by the provisions of this act shall be liable to pay to the State of Texas the sum of \$5000 for each and every failure.

Sec. 6. Suits brought under the provisions of this act for the recovery of penalties may be brought in any court in this State having jurisdiction of the subject matter (1) in any county of this State wherein an act violative of the provisions hereof is committed; (2) in any county in this State where such company or receiver or lessee has an agent or representative; (3) in any county in this State where the principal office of such company is situated, or where the receiver, lessee, or either, reside, or (4) in any court of Travis county, Texas, having jurisdiction of the subject matter of such suit. And one-half of all moneys collected under the

provisions of this act, less the commission and the expenses allowed by law shall be paid into the State treasury and shall constitute a part of the general revenue of the State, and the remainder thereof shall be paid into the treasury of the county where such suit or suits may be maintained and constitute a part of the jury fund of such county.

Sec. 7. It is hereby made the duty of the Railroad Commission of the State of Texas and the Attorney General and the district and county attorneys of this State to see that the provisions of this act are enforced and obeyed and the penalties due the State are recovered and collected, and said Railroad Commission shall report all violations within their knowledge with the facts in their possession to the Attorney General or to the district or county attorney of the proper county. And it is hereby made the duty of all or any of such attorneys to institute the suit in the name of the State for the recovery of any penalties prescribed in this act, and for such services such attorneys shall receive 20 per cent of the amount recovered in any suit prosecuted by him.

Sec. 8. That any court, officer or tribunal having jurisdiction of the offenses enumerated in this act or the Attorney General of the State or the district or county attorney, may subpoena persons and compel their attendance as witnesses to testify as to the violations of any of the provisions of the foregoing sections of this act. Any person so summoned and examined shall not be liable to prosecution for the violation of any of the provisions of this act about which he may testify, and for any violation of the provisions of this act conviction may be had upon the unsupported evidence of an accomplice or participant.

Sec. 9. That the provisions of this act shall be of full force and effect from and after its passage.

Sec. 10. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Add to Section 2:

Provided, that nothing herein shall be construed as prohibiting railway or transportation companies from giving free or reduced rates or passes to the bona fide employees, officers, agents and immediate families of any telegraph or express companies, or for handling or transporting free or at reduced rates the supplies, equipments, tools or material of such companies necessary to the operation of their lines when contracts for such free or reduced rates and fares, or

free and reduced transportation are made between said railway companies or transportation companies and telegraph or express companies.

Amend the Duncan amendment by adding after the word "express," in line 4 of the amendment, "or transfer"; also add "or transfer" after the word "express" in the last line of the amendment.

Strike out the word "such," in line 15, page 9, and insert "railway."

Strike out the word "such," in line 17, page 9, and insert in lieu thereof the word "railway."

Amend Section 2, line 21, page 9, by adding after the word "agents" the following, "and checkers for transfer companies."

Amend by adding to Section 2 the following:

"Provided, that nothing herein shall be construed as applying to any contract or agreement between the Federal government, or any department thereof, and any telegraph company, or to any order of any department of the Federal government in the matter of telegraph rates."

Amend the committee amendment by striking out all of Section 9, and inserting in lieu thereof the following:

"That the provisions of this act shall be of full force and effect from and after January 1, 1908."

Amend by adding at the end of Section 2 the following: "And provided further, that nothing herein shall be construed as prohibiting railway or transportation companies from giving free or reduced rates or passes to the officers and members of the Texas National Guard while going to or returning from encampment or while going to or returning from any place while in actual duty."

Amend Section 2, page 10, line 1, by adding after the word "gospel" the words "and traveling secretaries of the Young Men's Christian Associations."

Add to Section 2: "Provided further, that nothing in this bill shall be construed to prevent railroad companies from transporting free of charge any article being sent to any orphans' home, or other charitable institution."

Amend the committee amendment by inserting the words "and Federal" immediately after the word "State" in line 24, page 9.

On page 9, Section 2, line 30, after the word "fruits" add the following: "Provided, however, that no person or persons beneficiaries of free transportation herein mentioned shall ride on a free pass to or from any political convention."

Amend Section 2, page 9, line 24, of substitute bill, by inserting after the words "State health officers," the following, "round trip pass to duly accredited delegates to the annual State Association of Volunteer Firemen."

Amend Section 2, page 10, line 1, substitute bill, after the word "sheriffs," where said word first appears in said section, the following, "and other peace officers whose duties are to execute criminal process."

Amend Section 2, page 10, line 5, committee substitute, after word "sheriffs," where said word appears the second time in said section, by adding the following: "And other peace officers, whose duties are to execute criminal process."

Amend Section 5, page 10, line 33, in said section, by striking out the word "hereafter," and inserting in lieu thereof the following: "After this act shall take effect."

Amend by adding the words "ex-employees" after the word "employees," in line 27, page 9.

Amend the committee bill, page 9, line 18, by striking out the word "its," and inserting in lieu thereof the word "their"; also strike out the word "it," in line 9, same page, and insert in lieu thereof the words "them or any one of them."

Amend Section 2, page 10, by adding thereto the following: "Provided, that no person who holds any public office in this State shall at any time, during their term of office, be entitled to any annual pass, any trip pass, privilege or frank, or any substitute for fare or charges (except sheriffs and other peace officers as provided) over any railway or other company mentioned in Section 1 of this act."

Amend by adding between the words "as" and "provided" the word "above."

Amend the bill as amended, bottom of page 684, Journal, by inserting after "express companies" the words "or" sleeping car companies," and amend last line in same section by adding the words "or sleeping car companies."

Amend the committee bill by adding at the end of Section 2 the following: "Provided further, that nothing in this act shall prohibit sleeping car passes, telegraph and telephone franks being given to bona fide officers or employees of railway companies, or to other persons legally entitled to free transportation under the terms of this act."

Amend Section 2, line 1, page 10, by adding after the word "rangers" a comma, and the following words: "(1) The duly accredited inspectors regularly employed by the Cattle Raisers' Association of Texas, (2) and the members of

the Live Stock Sanitary Commission and their accredited employees."

Amend Section 1, page 8, by adding thereto the following: "Provided, this section shall not be construed to prohibit the making of special rates for special occasions or under special conditions, but no such rate shall ever be made without first obtaining authority from the Railroad Commission."

Amend Section 1 by adding the words: "Provided, nothing in this bill shall be so construed to prohibit railroad companies from issuing and giving passes to duly accredited agents of the State and United States Department of Agriculture."

Amend the bill by asserting after the word "discharge," in line 26, page 9, the following: "Round-trip passes to delegates to the Farmers' Congress at College Station."

Pending discussion on the motions,

Senator Looney moved the previous question on the pending motions, the motion being duly seconded, was ordered by the following vote:

Yeas—16.

Barrett.	Looney.
Brachfield.	Murray.
Chambers.	Paulus.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Stone.
Greer.	Terrell.
Grinnan.	Willacy.

Nays—10.

Alexander.	Masterson.
Glasscock.	Meachum.
Griggs.	Senter.
Hudspeth.	Veale.
Kellie.	Watson.

Absent.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The question then recurred on the substitute motion by Senator Hudspeth, that the Senate concur in the House amendments, and the motion was lost by the following vote:

Yeas—9.

Alexander.	Senter.
Glasscock.	Stone.
Hudspeth.	Veale.
Kellie.	Watson.
Meachum.	

Nays—17.

Barrett.	Chambers.
Brachfield.	Cunningham.

Faust.	Murray.
Green.	Paulus.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Terrell.
Looney.	Willacy.
Masterson.	

Absent.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Action then recurred on the motion by Senator Looney that the Senate do not concur in the House amendments, and ask for a Conference Committee, and

On that motion Senator Meachum moved a call of the Senate, which, being duly seconded, was ordered. The roll was called, the following Senators answering to their names:

Present—27.

Alexander.	Masterson.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Absent.

Harbison.	Holsey.
Harper.	Stokes.

Senator Chambers moved to excuse the absentees, and the motion was lost by the following vote (a two-thirds vote being necessary):

Yeas—17.

Barrett.	Masterson.
Brachfield.	Murray.
Chambers.	Paulus.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Terrell.
Greer.	Veale.
Grinnan.	Willacy.
Looney.	

Nays—9.

Alexander.	Meachum.
Glasscock.	Senter.
Griggs.	Stone.
Hudspeth.	Watson.
Kellie.	

Absent.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The Sergeant-at-Arms was instructed to bring in the absentees, and the pending bill was laid on the table.

SENATE CONCURRENT RESOLUTION No. 5.

Senator Barrett called up Senate Concurrent Resolution No. 5, which was on the President's table subject to call.

The Chair laid before the Senate

Senate Concurrent Resolution No. 5. (See page 394 for the resolution in full.)

Senator Murray offered the following amendment to the resolution:

Amend the resolution by striking out all after the words "A Shameless Campaign," down to and including "I paid all my personal expenses for the trip out of that amount." Also strike out of the fourth whereas the following words: "And Senator Bailey."

REFUSE TO EXCUSE ABSENTEES.

Here Senator Looney moved to excuse the absentees on the motion of the call of the Senate. The motion was lost by the following vote:

Yeas—16.

Barrett.	Masterson.
Brachfield.	Murray.
Chambers.	Paulus.
Cunningham.	Skinner.
Faust.	Smith.
Green.	Terrell.
Grinnan.	Veale.
Looney.	Willacy.

Nays—10.

Alexander.	Kellie.
Glasscock.	Meachum.
Greer.	Senter.
Griggs.	Stone.
Hudspeth.	Watson.

Absent.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

SENATE CONCURRENT RESOLUTION NO. 5.

Action then recurred on Senate Concurrent Resolution No. 5, the question being on the amendment by Senator Murray.

Here Senator Smith moved to excuse

the absentees on the motion of the call of the Senate. The motion was adopted by the following vote:

Yeas—19.

Barrett.	Masterson.
Brachfield.	Murray.
Chambers.	Paulus.
Cunningham.	Senter.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Terrell.
Grinnan.	Veale.
Kellie.	Willacy.
Looney.	

Nays—7.

Alexander.	Meachum.
Greer.	Stone.
Griggs.	Watson.
Hudspeth.	

Absent.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

SENATE BILL NO. 8.

The absentees having been excused, action recurred on the motion by Senator Looney to non-concur in the House amendments to Senate bill No. 8, and ask for a Conference Committee.

The motion was adopted by the following vote:

Yeas—17.

Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Terrell.
Griggs.	Willacy.
Grinnan.	

Nays—9.

Alexander.	Senter.
Glasscock.	Stone.
Hudspeth.	Veale.
Kellie.	Watson.
Meachum.	

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

CONFERENCE COMMITTEE—APPOINTMENT OF.

The Chair (Senator Willacy) announced the appointment of the following as the Conference Committee on Senate bill No. 8:

Senators Looney, Skinner, Smith, Chambers and Brachfield.

HOUSE BILL NO. 461.

On motion of Senator Brachfield, the pending order of business (Senate Concurrent Resolution No. 5) was suspended, and the Senate took up, out of its order, House bill No. 461.

REFUSE TO RECESS.

Senator Skinner moved that the Senate recess until 3 o'clock today, and the motion was lost by the following vote:

Yeas—12.

Chambers.	Masterson.
Glasscock.	Senter.
Green.	Skinner.
Griggs.	Smith.
Kellie.	Stone.
Looney.	Terrell.

Nays—13.

Alexander.	Hudspeth.
Barrett.	Meachum.
Brachfield.	Paulus.
Cunningham.	Veale.
Faust.	Watson.
Greer.	Willacy.
Grinnan.	

Absent.

Murray.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Question then recurred on House bill No. 461, and Senator Meachum moved a call of the Senate for the purpose of securing a quorum. The call being duly seconded, was so ordered.

The roll was called, the following Senators answering to their names:

Present—19.

Alexander.	Looney.
Barrett.	Meachum.
Brachfield.	Paulus.
Cunningham.	Skinner.
Faust.	Stone.
Green.	Terrell.
Greer.	Veale.
Griggs.	Watson.
Grinnan.	Willacy.
Hudspeth.	

Absent.

Chambers.	Murray.
Glasscock.	Senter.
Kellie.	Smith.
Masterson.	

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The Sergeant-at-Arms was instructed to bring in the absentees.

RECESS.

Senator Skinner moved that the Senate recess until 3:15 o'clock, and

The point of order was made that the Senate could not recess without a quorum, but could adjourn.

The Chair (Senator Willacy) overruled the point of order, and

The motion to recess until 3:15 o'clock today was adopted.

AFTER RECESS.

The Senate was called to order by President Pro Tem. Skinner.

HOUSE BILL NO. 461.

Question then recurred on House bill No. 461, and

Senator Brachfield moved a call of the Senate for the purpose of securing and maintaining a quorum. The motion being duly seconded, was so ordered.

The roll was called, the following Senators answering to their names:

Present—21.

Alexander.	Masterson.
Barrett.	Meachum.
Brachfield.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stone.
Greer.	Terrell.
Griggs.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Chambers.	Senter.
Grinnan.	Veale.
Looney.	

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

HOUSE BILL NO. 461.

The Chair laid before the Senate, on second reading,

House bill No. 461. A bill to be entitled "An Act to incorporate the city of Marshall, and to grant it a new char-

ter, and to repeal all pre-existing charters, and declaring an emergency."

Bill read second time, and passed to a third reading.

On motion of Senator Brachfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Alexander.	Kellie.
Barrett.	Masterson.
Brachfield.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Watson.
Hudspeth.	Willacy.

Absent.

Chambers.	Senter.
Looney.	Veale.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Alexander.	Masterson.
Barrett.	Meachum.
Brachfield.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Green.	Stone.
Greer.	Terrell.
Griggs.	Watson.
Grinnan.	Willacy.
Kellie.	

Absent.

Chambers.	Senter.
Hudspeth.	Veale.
Looney.	

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Senator Brachfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SPECIAL ORDER.

The pending order of business was suspended for the purpose of taking up the following bills and setting them as special orders:

Senator Glasscock called up

Senate bill No. 140, A bill to be entitled "An Act to establish an institute for the custodial care and education for the feeble-minded," and moved that the bill be made a special order for next Friday morning, March 8.

The motion was adopted.

Senator Meachum called up

Senate bill No. 87, A bill to be entitled "An Act to amend Article 2312 of Title XL, Chapter 4, of the Revised Civil Statutes of the State of Texas, pertaining to the admission of recorded instruments in evidence without proof of their execution, unless an affidavit be filed stating that such instrument of writing is believed to be a forgery; and providing that where such instrument against which an affidavit of forgery has been filed has been duly of record for more than five years the burden of proof shall be upon the party for whose benefit such affidavit of forgery is filed, to show such instrument to be a forgery; and providing further for the admission of such instrument during the trial, the introduction of evidence relating thereto, the determination and trial of such issue raised, as well as for the admission of a certified copy of such instrument in regard thereto where such affidavit of forgery has been filed, and repealing all laws in conflict herewith, and creating an emergency," and moved that it be made a special order for Monday morning, March 11.

The motion was adopted.

Senator Masterson called up

Senate bill No. 56, A bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons," and moved to make it a special order for Tuesday morning, March 12.

The motion was adopted.

Senator Murray called up

Senate bill No. 57, A bill to be entitled "An Act changing the official title of Fish and Oyster Commissioner, to Fish, Oyster and Game Commissioner, supplementing his salary, authorizing him to appoint assistants, providing for hunting license, providing for the protection and propagation of wild game,

wild birds and wild fowls, providing for the enforcement of all game laws, and providing penalties for the violation thereof," and moved that it be made a special order for Thursday morning, March 7.

The motion was adopted.

Senator Green called up

Senate bill No. 54, A bill to be entitled "An Act to provide for the punishment of persons responsible for, or contributing to, the delinquency of neglect and dependency of children," and

Senate bill No. 59, A bill to be entitled "An Act to define 'delinquent child' and to regulate the treatment and control of same," and

Senate bill No. 60, A bill to be entitled "An Act to define dependent and neglected children and to regulate the treatment of same," and moved that they be made a special order for next Tuesday morning, March 5.

The motion was adopted.

Senator Alexander called up

Senate bill No. 198, A bill to be entitled "An Act to amend Articles 5098, 5100, 5120 and 5124 of Chapter 3, Title CIV, of the Revised Civil Statutes of 1895, relating to taxation," and moved that it be made a special order for next Tuesday morning, March 5.

The motion was adopted.

Senator Paulus called up

Senate bill No. 30, A bill to be entitled "An Act to protect the lives and property of the traveling public, and the employes of the railroads in the State of Texas," and moved that it be made a special order for next Wednesday, March 6.

The motion was adopted.

Senator Looney called up

Senate bill No. 10, A bill to be entitled "An Act on the subject of private corporations, defining and prohibiting insolvent corporations, domestic and foreign, from doing business in this State; providing for quo warranto or other appropriate judicial proceedings to have the charter or permit of such insolvent corporations forfeited or canceled, as the case may be, and also providing for the cancellation of all stock and bonds issued by any corporation for purposes other than for money paid to, labor done for or property received by said corporations," and

Senate bill No. 15, A bill to be entitled "An Act on the subject of private corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and

restrictions on their powers and the powers of their officers, directors and agents; prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regulations for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited; also prescribing the duties of such corporations, their officers, directors and agents, and certain limitations and restrictions on their powers; providing suitable forfeiture penalties; fines and imprisonment for the violation of the provisions of this act, and repealing certain sections and articles of Title XXI of the Revised Statutes of this State," and moved that they be made a special order for next Monday morning, March 4.

The motion was adopted.

SENATE CONCURRENT RESOLUTION NO. 5.

Action here recurred on the pending business, Senate Concurrent Resolution No. 5, and

Senator Barrett moved to table the amendment by Senator Murray, which motion was adopted.

Senator Greer offered the following amendment:

Amend by adding after line 4, page 443 of Senate Journal, the following:

"And, whereas, Senator J. W. Bailey, in his speech in the House of Representatives on February 27, 1907, made statements which reflected on the honor, integrity and character of members of this Legislature, which statements we do not approve or endorse."

GRINNAN,
GREER.

Senator Smith made the point of order that the amendment was not germane to the resolution.

The Chair (President Pro Tem. Skinner) sustained the point of order.

Senator Smith offered the following amendment, which was adopted:

Amend the first "whereas" on page 2 of the resolution by striking out the word "knows" and insert in lieu thereof the following: "Has reason to believe."

Senator Barrett moved the previous question on the resolution, the same being duly seconded, was so ordered.

The resolution was read, and adopted by the following vote:

Yeas—21.

Alexander.	Masterson.
Barrett.	Meachum.
Brachfield.	Murray.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—2.

Glasscock.	Grinnan.
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Absent.

Chambers.	Stokes.
Mayfield.	Veale.
Senter.	

Absent—Excused.

Harbison.	Holsey.
Harper.	

Senator Barrett moved to reconsider the vote by which the resolution was passed, and lay that motion on the table.

The motion to table prevailed.

(Senator Meachum in the chair.)

SIMPLE RESOLUTION—ADOPTION OF.

Senator Willacy called up, as privileged matter, a simple resolution introduced this morning, and which was laid on the table subject to call, relating to the appointment of a committee relative to investigating the cost of certain pictures, etc. (See resolution in former proceeding of today.)

The resolution was read and adopted.

COMMITTEE APPOINTED.

The Chair (Senator Meachum) announced the appointment of the following committee, as provided for in above resolution:

Senators Green, Willacy and Skinner.

SENATE BILL NO. 58.

Action then recurred on Senate bill No. 58, the question being on the motion to adopt the minority committee report.

Here Senator Smith raised the point of order that the call of the Senate was dissolved, in that a quorum was present, that being the question upon which the call was made.

The Chair (Senator Meachum) sustained the point of order.

(Senator Veale in the chair.)

Senator Brachfield moved that further consideration of the bill be postponed until April 6, and

Senator Terrell moved to table the motion.

The motion to table was adopted by the following vote:

Yeas—17.

Alexander.	Masterson.
Barrett.	Meachum.
Cunningham.	Paulus.
Faust.	Skinner.
Green.	Stone.
Griggs.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—8.

Brachfield.	Murray.
Glasscock.	Senter.
Greer.	Smith.
Grinnan.	Veale.

Absent.

Chambers.	Holsey.
Harbison.	Mayfield.
Harper.	Stokes.

Question then recurred on the substitute motion, which was the adoption of the minority report, and

Senator Terrell moved to table the motion.

The motion to table was adopted by the following vote:

Yeas—14.

Alexander.	Masterson.
Barrett.	Paulus.
Glasscock.	Skinner.
Green.	Terrell.
Griggs.	Veale.
Hudspeth.	Watson.
Looney.	Willacy.

Nays—8.

Cunningham.	Meachum.
Faust.	Murray.
Grinnan.	Smith.
Kellie.	Stone.

Present—Not Voting.

Brachfield.	Greer.
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Absent.

Chambers.	Senter.
Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Question then recurred on the motion by Senator Terrell to adopt the majority report, which motion was adopted.

Senator Smith offered the following amendment, which was adopted:

Amend Section 3 by adding thereto the following: "And provided further, that if said court is located at Texarkana, the citizens thereof will furnish, provide and equip a suitable room or rooms for said court, and the members thereof, and the necessary law library therefor without cost or expense to the State."

Senator Brachfield offered the following amendment:

Amend by adding the following counties to the Sixth District: Anderson, Cherokee, Freestone, Gaines, Houston, Henderson, Leon, Madison, Sabine, San Augustine, Shelby, Titus, Trinity, Walker, and striking out these counties as they appear in the other districts.

Senator Meachum offered the following amendment to the amendment, which was adopted:

Amend the amendment by striking out the words Madison, Leon and Walker.

(President Pro Tem. Skinner in the chair.)

Senator Terrell moved to table the amendment by Senator Brachfield as amended.

The motion to table was adopted by the following vote:

Yeas—19.

Alexander.	Masterson.
Barrett.	Meachum.
Chambers.	Paulus.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Terrell.
Griggs.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—6.

Brachfield.	Grinnan.
Faust.	Murray.
Greer.	Smith.

Present—Not Voting.

Stone.

Absent.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Senator Greer offered the following amendment, which was adopted:

Amend the printed bill, page 2, by striking out the word "Wood."

Senator Brachfield offered the following amendment:

Strike out of the bill the counties of Rusk, Gregg, Harrison, Panola, in Sixth District, and add them to First District.

Senator Chambers moved to table the amendment, which motion was lost by the following vote:

Yeas—8.

Chambers.	Masterson.
Glasscock.	Paulus.
Green.	Terrell.
Griggs.	Veale.

Nays—16.

Alexander.	Looney.
Barrett.	Meachum.
Brachfield.	Senter.
Cunningham.	Skinner.
Faust.	Smith.
Greer.	Stone.
Grinnan.	Watson.
Hudspeth.	Willacy.

Absent.

Harbison.	Mayfield.
Harper.	Murray.
Holsey.	Stokes.
Kellie.	

The amendment was then adopted.

Senator Greer offered the following amendment:

Amend the bill by striking out the words "Wood and Smith" on page 2, in line 31, Section 6 of the bill, and insert the words "Wood and Smith" in Section 5 of the bill, after the word "Freestone," in line 27, on page 2 of the printed bill.

REFUSE TO ADJOURN.

Senator Cunningham moved that the Senate adjourn until Monday morning at 10 o'clock, which motion was lost by the following vote:

Yeas—6.

Brachfield.	Glasscock.
Cunningham.	Grinnan.
Faust.	Murray.

Nays—19.

Alexander.	Paulus.
Barrett.	Senter.
Chambers.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Hudspeth.	Veale.
Looney.	Watson.
Masterson.	Willacy.
Meachum.	

Absent.

Kellie.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Question then recurred on the amendment by Senator Greer, and

Senator Terrell moved the previous question on the amendment and the bill, which motion was duly seconded and was so ordered.

The amendment was adopted by the following vote:

Yeas—14.

Brachfield.	Murray.
Faust.	Senter.
Glasscock.	Skinner.
Greer.	Smith.
Grinnan.	Stone.
Looney.	Veale.
Meachum.	Willacy.

Nays—12.

Alexander.	Hudspeth.
Barrett.	Kellie.
Chambers.	Masterson.
Cunningham.	Paulus.
Green.	Terrell.
Griggs.	Watson.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Bill read second time, and ordered engrossed.

On motion of Senator Chambers, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Masterson.
Barrett.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—1.

Brachfield.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The bill was read third time, and passed by the following vote:

Yeas—21.

Alexander.	Masterson.
Barrett.	Meachum.
Chambers.	Paulus.
Cunningham.	Senter.
Faust.	Skinner.
Glasscock.	Stone.
Green.	Terrell.
Griggs.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.
Looney.	

Nays—4.

Brachfield.	Murray.
Grinnan.	Smith.

Present—Not Voting.

Greer.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Senator Terrell moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 173.

On motion of Senator Senter, the pending order of business (Senate bill No. 126) was suspended, and the Senate took up, out of its order, Senate bill No. 173.

The Chair laid before the Senate, on second reading,

Senate bill No. 173, A bill to be entitled "An Act to amend the city charter of the city of Dallas and the acts amendatory of said city charter of the city of Dallas and to amend an act entitled 'An Act to incorporate the city of Dallas and to grant it a new charter,' approved May 9, 1899, and the acts amendatory of said act by adding thereto Section 120b, and by confirming, ratifying and validating certain series of municipal coupon bonds issued by the city of Dallas by virtue of certain ordinances passed by the city council of the city of Dallas under the charter of the city of Dallas."

Bill read second time, and ordered engrossed.

On motion of Senator Senter, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Green.	Skinner.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Glasscock.	Smith.
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Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The bill was read third time, and passed by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Smith.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Senator Senter moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 303.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 126) was suspended, and the Senate took up, out of its order, House bill No. 303.

The Chair laid before the Senate, on second reading,

House bill No. 303, A bill to be entitled "An Act creating Uvalde Independent School District in Uvalde county, Texas."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and passed to a third reading.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Stone.
Greer.	Terrell.
Griggs.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.
Kellie.	

Absent.

Smith.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

The bill was read third time, and passed by the following vote:

Yeas—24.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Stone.
Griggs.	Veale.
Grinnan.	Watson.
Hudspeth.	Willacy.

Absent.

Smith.	Terrell.
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Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

Senator Hudspeth moved to reconsider

the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

BILLS SIGNED BY THE CHAIR.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 208. "An act to validate and legalize all sales of real estate belonging or that belonged to Coleman county, situated in the town of Coleman in Coleman county, heretofore made at private sale for and in behalf of said county by J. F. Miles and W. O. Read, each in his representative capacity as commissioner, under appointment of the commissioners court of said county by orders entered upon the minutes, to sell and dispose of real estate of said county situated in said town, and also validating all conveyances of said real estate made by said commissioners as such in consummating such sales."

House bill No. 67. "An Act creating an independent school district to be known as the Quanah Independent School District, including within its limits the municipal corporation of the town of Quanah, Hardeman county, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites and erecting, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support, and further prescribing the duties and authorities of said board."

House bill No. 434. "An Act creating an independent school district for free school purposes only in the counties of Johnson and Hill, to be known as the 'Grandview Independent School District,' and to have all the rights, powers and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only."

House bill No. 3. "An Act to determine the names of lawful heirs of persons dying intestate and the interest of said heirs in the property of such deceased persons, and providing the manner of determining same, making this act cumulative of all existing laws on this subject, and declaring an emergency."

House bill No. 326. "An Act to abolish the Couch Independent School District in

Karnes county, Texas, organized under the General Laws of this State on January 3, 1903, and declaring an emergency."

House bill No. 26, "An Act creating a more efficient road system for Wood county, Texas."

House Concurrent Resolution No. 10, Inviting the Hon. William Jennings Bryan to address the Legislature.

House Concurrent Resolution No. 15, To require the assessors of taxes to take a census of Confederate soldiers and sailors and the widows of such soldiers and sailors, residents of this State, and to make report of such census to the Comptroller.

House Concurrent Resolution No. 13, Granting leave of absence to Hon. W. B. Hopkins, judge of the Twenty-eighth Judicial District.

The Chair (President Pro Tem. Skinner) gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read.

Senate bill No. 117, "An Act declaring theaters, play houses, opera houses and other show buildings, by whatever name known, to be public places of amusement, to prevent the owners, lessees, managers and agents thereof from discriminating against persons, stock companies, corporations or others applying to lease or rent such public places of amusement for productions and renditions of dramas, operas and other shows by whatever name known; to provide for the keeping and exhibiting and booking of all leasings and lettings of such houses; to require certain stipulations in all subsequent leases and renewals for a term; providing penalties for violation of the provisions of this act, and declaring an emergency."

ADJOURNMENT.

Senator Looney moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion was adopted by the following vote:

Yeas—13.

Brachfield.	Looney.
Chambers.	Paulus.
Cunningham.	Senter.
Glasscock.	Skinner.
Green.	Terrell.
Greer.	Willacy.
Grinnan.	

Nays—12.

Alexander.	Griggs.
Barrett.	Hudspeth.
Faust.	Kellie.

Masterson.	Stone.
Meachum.	Veale.
Murray.	Watson.

Absent.

Smith.

Absent—Excused.

Harbison.	Mayfield.
Harper.	Stokes.
Holsey.	

APPENDIX.

PETITIONS.

By Senator Hudspeth:

To the Legislature of Texas:

We, the undersigned citizens of Tom Green county, Texas, petition your honorable body to promptly enact into law the Mayfield-Jenkins bill, which will stop and hereafter prevent gambling in cotton futures, which is so destructive of the moral and commercial interests of our citizens.

Numerously signed.

By Senator Hudspeth:

To the Honorable Senate and House of Representatives:

We, your petitioners, live stock producers in Texas, respectfully pray that your honorable body will exempt members of the Live Stock Sanitary Board and all association inspectors from the operation of any anti-free pass legislation.

The vast importance of the work of these officials, their lack of compensation and the remoteness of possible evil arising therefrom, we believe to demand and fully warrant the exception.

Numerously signed.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitutional Amendments, to whom was referred

Senate Joint Resolution No. 18, To amend Sections 1, 2, 3, 4, 5 and 6 of Article 5 of the Constitution of the State of Texas, so as to provide for one Supreme Court of the State of Texas, for submitting the same to the electors of the State, and making appropriation therefor,

Have had the same under consideration, and beg to report it back to the

Senate with the recommendation that it do pass.

Looney, Acting Chairman; Grinnan, Senter, Skinner, Brachfield, Barrett.

Committee Room,
Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Labor, to whom was referred House bill No. 80, beg leave to report that this bill is the same as Senate bill No. 30, and has had a hearing before Judiciary Committee No. 2. We refer same back to the Senate to have recommitment to Judiciary Committee No. 2.

ALEXANDER, Chairman.

(Floor Report.)

Committee Room,
Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 222, A bill to be entitled "An Act creating the Hogg Memorial Park, and providing for its improvement and care,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

Stone, Chairman; Veale, Grinnan, Skinner, Senter, Chambers, Green, Brachfield, Paulus, Griggs, Masterson.

Committee Room,
Austin, Texas, February 25, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Judicial Districts, to whom was referred

Senate bill No. 185, A bill to be entitled "An Act to amend Article 1081, Code of Criminal Procedure, prescribing the compensation of district attorneys in the districts composed of four or more counties,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

HUDSPETH,
WILLACY.

Committee Room,
Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: A minority of your Committee on Judicial Districts, to whom was referred

Senate bill No. 185, A bill to be entitled "An Act to amend Article 1081, Code of Criminal Procedure, prescribing the compensation of district attorneys in the districts composed of four or more counties,"

Have had the same under consideration, and we report the same back to the Senate with the recommendation that it do not pass, but that Substitute Senate bill No. 185 be passed in lieu thereof.

WATSON.

S. S. B. No. 185. By Committee.

A BILL

To Be Entitled

An Act to amend Article 1081 of the Code of Criminal Procedure, prescribing the compensation of district attorneys to be paid by the State, by adding thereto Article 1081a, prescribing the compensation of district attorneys in districts composed of four or more counties.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1081 of the Code of Criminal Procedure, prescribing the compensation of district attorneys to be paid by the State, be amended by adding thereto the following, to be known as Article 1081a:

Art. 1081a. From and after the passage of this act, in addition to the five hundred (\$500) dollars now allowed them by law, district attorneys in all judicial districts in this State, composed of four counties or more, shall receive from the State as compensation for their services the sum of \$15 for each day they attend the session of the district court in their respective districts in the necessary discharge of their official duties, and \$15 per day for each day they represent the State at examining trials, inquest proceedings and habeas corpus proceedings in vacation. Said \$15 per day to be paid to the district attorney upon the sworn account of the district attorney, approved by the district judge, who shall certify that the attendance of said district attorney for the number of days mentioned in this account was necessary, after which said account shall be recorded in the minutes of the district court; provided, that the maximum number of days for such attendance and service for which the said compensation is allowed shall not exceed one hundred and thirty-three days in any one year, and provided further, that all fees in misdemeanor cases and commissions and fees heretofore allowed district attor-

neys under the provisions of Article 1081 of the Code of Criminal Procedure and in Chapter 5 of the General Laws, passed at the Special Session of the Twenty-fifth Legislature, in districts composed of four or more counties shall, when collected, be paid to the clerk of the district court, who shall pay the same to the State Treasurer.

Committee Room,
Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 239, A bill to be entitled "An Act to authorize justices of the peace and constables to charge and collect fees in examining trials in misdemeanor cases, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate, with the recommendation that it do not pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

House bill No. 239, A bill to be entitled "An Act to authorize justices of the peace and constables to charge and collect fees in examining trials in misdemeanor cases, and declaring an emergency,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass.

BARRETT,
CUNNINGHAM,
PAULUS.

Committee Room,
Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 223, A bill to be entitled "An Act to authorize either the State or the defendant by a written request filed among the papers of any cause in which the defendant may have been convicted of a violation of the local option law prohibiting the sale of intoxicating liquors in local option territories to have the appeal therefrom sent to that branch of the Court of Criminal Appeals then in session, or at which

such appeals can be soonest reached and decided when there arises any constitutional question or an irregularity or illegality in any prohibition election,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 138, A bill to be entitled "An Act prohibiting betting or gambling on all manner of ball games, and providing penalties for violations,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 140, A bill to be entitled "An Act to amend Article 641 of the Penal Code of the State of Texas, relating to abortion, and defining the meaning of that term, and providing punishment for those guilty of the offense of abortion as defined,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend Section 1 by adding after the words "pregnant woman" the following: "Or knowingly procure to be administered."

LOONEY, Chairman.

Committee Room,
Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 174, A bill to be entitled "An Act to make it a misdemeanor and to prescribe a penalty therefor, for any person to cut or throw or cause to be cut or thrown into any stream or watercourse in this State, any brush, logs or poles or any other substance that will have the effect to create drifts in such streams or against the fence of

any landowner or holder on the said stream, and to make it a penalty for any person to throw any trees, brush or logs on the lands of another without the consent of the owner or person in possession of such land."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room.

Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 205, A bill to be entitled "An Act to amend the Revised Statutes of Texas of 1895 by adding Article 975a, to be entitled 'An Act to declare unlawful the sale of unginned cotton at night time, and to provide penalties therefor,'"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 40, A bill to be entitled "An Act to amend Article 349 of Title 10, Revised Statutes of Texas, relating to incest,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass.

LOONEY, Chairman.

Committee Room.

Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 5, A bill to be entitled "An Act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of articles of food and drugs, prescribing penalties for the violation of this act, to provide for the appointment of a Dairy and Food Commissioner, and to define his powers and duties, and to fix his compensation, and to repeal all laws in conflict with the provisions of this act, and declaring an emergency,"

Have had the same under considera-

tion, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend Section 56 of the bill by striking out the following: "Agricultural and Mechanical College of Texas, located at College Station," and insert in lieu thereof the following: "The College of Industrial Arts, located at Denton."

Also, strike out "Agricultural and Mechanical College" wherever they appear, and insert in lieu thereof the following: "The College of Industrial Arts."

LOONEY, Chairman.

Committee Room.

Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 111, A bill to be entitled "An Act to amend Article 256, Chapter 6 of the Penal Code, relating to extortion, and to add Article 256a, making it a misdemeanor punishable with a fine of not less than \$25 nor more than \$250 for any officer or other person authorized by law, to amend or receive fees of office, to willfully make out his account for fees in excess of those allowed by law, to present or file such account with the proper officer with whom the law requires the same to be filed or presented,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room.

Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 71, A bill to be entitled "An Act to amend Article 608, Title XV, Chapter 3 of the Penal Code of the State of Texas, relating to assaults with intent to rape,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do not pass.

LOONEY, Chairman.

Committee Room.

Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed

Bills have carefully examined and compared

Senate Concurrent Resolution No. 5, Referring to libelous statements published in New York American and other newspapers,

And find the same correctly engrossed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, February 28, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate Concurrent Resolution No. 4, Recalling Senate bill No. 165 from the Governor for the purpose of correction;

And find it correctly enrolled, and have this day, at 3 o'clock p. m., presented same to the Governor for his approval.

MASTERSON, Chairman.

Committee Room,
Austin, Texas, March 1, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 117, "An Act declaring theaters, play houses, opera houses and other show buildings by whatever name known, to be public places of amusement; to prevent the owners, lessees, managers and agents thereof from discriminating against persons, stock companies, corporations or others applying to lease or rent such public places of amusement, for productions and renditions of dramas, operas and other shows by whatever name known; to provide for the keeping and exhibiting of bookings of all leasings and lettings of such houses; to require certain stipulations in all subsequent leases and renewals for a term; providing penalties for violation of the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all buildings constructed, fitted and equipped for the purpose of theaters, commonly called theaters, opera houses, play houses, or by whatever name designated, which are and shall hereafter be used for public performances, the production and exhibition of plays, dramas, operas and other shows of whatever nature to which admission fees are charged, be, and the same are hereby declared to be public houses of amusement, and the same shall be subject to regulation by the public will as expressed by ordinance, statute, or other

law; provided that owners and lessees shall have the right to assign seats to patrons thereof, and to refuse admission to objectionable characters.

Sec. 2. Hereafter it shall be unlawful for any owner, lessee, or any manager, agent, employe or representative of the owner or lessee, who may be in charge and having the care and management of such house or houses of public amusement, to discriminate against reputable theaters, operas, shows or other productions by whatever name known. And any owner or lessee, or any manager, agent, employe or representative of the owner or lessee, in charge of such house or houses, who shall fail and refuse to rent, lease and let such house or houses of public amusement for one or more performances, and upon such terms and conditions as shall not be deemed unreasonable, extortionate or prohibitive, to the agent, manager, proprietor or representative, who may in good faith make application therefor, of any reputable theater, opera or show by whatever name known, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof in any court of competent jurisdiction of this State, be fined in any sum not less than \$100 nor more than \$500, one-half of which fine shall be paid to the complainant, the balance to go to the jury fund of the county in which such prosecution is had; and in addition, such person or persons so convicted may be committed to the county jail for a period of not more than ten days. Each violation of any of the provisions of this act shall be a separate offense; provided, however, that if at the time of the application to lease or rent such house or houses of public amusement for said purposes, it shall be shown by the owner, lessee, or other person in charge thereof, that said house or houses of public amusement has or have been already leased, let or rented to other persons or parties, and that other bookings have in good faith been made for the date or dates so applied for, and that such leasing, renting and bookings were made in good faith, and not with the intention of evading the provisions of this act, then and in that instance, the penalties provided by this section shall not be imposed.

Sec. 3. That owners, lessees, managers or other persons in charge of such house or houses of public amusement shall make and keep in convenient form, a list of all bookings of shows for such house or houses, with the dates as to time specifically set out therein, and said list of bookings shall be exhibited upon request, to all persons applying therefor,

who in good faith desire to lease or rent such house or houses for the purposes indicated in Section 2 of this act; and the failure or refusal of such owner, lessee or other person or persons in charge of such house or houses, to keep and exhibit such list of bookings as aforesaid, shall upon conviction thereof, be fined in any sum not less than \$10 nor more than \$20; and each failure to so exhibit such list of bookings shall be a separate and distinct offense.

Sec. 4. That all leases and renewals of leases hereafter taken and made for a term upon such houses of public amusement as defined in Section 1 of this act, shall contain a provision therein to the effect that the lessee and his assigns shall, in good faith, comply with the provisions of this act; and the failure or refusal of any such lessee or his assigns to comply with the provisions of this act shall at once terminate such lease, and upon conviction of the violation of any provision of this law such lessee or his assigns, in addition to the penalties provided in Sections 2 and 3 of this act, shall forfeit his lease and all rights and privileges under the same.

Sec. 5. The fact that owners and lessees of such public houses of amusement are, by reason of the power and influence of the theater trust, prevented from leasing and letting such houses to any person, company or concern not owned, booked or controlled by said trust, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule that bills be read on three several days, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

And find it correctly enrolled, and have this day, at 3:55 o'clock, presented same to the Governor for his approval.

MASTERSON, Chairman.

FORTIETH DAY.

Senate Chamber,
Austin, Texas,
Saturday, March 2, 1907.

Senate met pursuant to adjournment.
President Pro Tem. Skinner in the chair.

Roll call, no quorum present, the following Senators answering to their names:

Barrett.	Grinnan.
Brachfield.	Hudspeth.
Chambers.	Looney.
Cunningham.	Meachum.
Green.	Murray.
Greer.	Paulus.

Senter.	Terrell.
Skinner.	Veale.
Smith.	Watson.
Stone.	Willacy.

Absent.

Alexander.	Holsey.
Faust.	Kellie.
Glasscock.	Masterston.
Griggs.	Mayfield.
Harbison.	Stokes.
Harper.	

Senator Smith moved that the Senate adjourn until Monday morning, at 10 o'clock, and the motion was lost by the following vote, the yeas and nays being called for:

Yeas—10.

Barrett.	Smith.
Cunningham.	Stone.
Grinnan.	Veale.
Meachum.	Watson.
Murray.	Willacy.

Nays—10.

Brachfield.	Looney.
Chambers.	Paulus.
Green.	Senter.
Greer.	Skinner.
Hudspeth.	Terrell.

Absent.

Alexander.	Holsey.
Faust.	Kellie.
Glasscock.	Masterston.
Griggs.	Mayfield.
Harbison.	Stokes.
Harper.	

Senator Looney moved a call of the Senate for the purpose of securing a quorum, the motion being duly seconded, was so ordered.

The roll was called, the following Senators answering to their names:

Barrett.	Murray.
Brachfield.	Paulus.
Chambers.	Senter.
Cunningham.	Skinner.
Green.	Smith.
Greer.	Stone.
Grinnan.	Terrell.
Hudspeth.	Veale.
Looney.	Watson.
Meachum.	Willacy.

Absent.

Alexander.	Harbison.
Faust.	Harper.
Glasscock.	Holsey.
Griggs.	Kellie.